RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 1453

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSS) at 2 o'clock and 53 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 724 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 724

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2095 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 724 provides a structured rule for consideration of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. The resolution provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes four amendments in order. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

As the debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this rule reflects that consensus.

I want to thank Chairman OBERSTAR and Chairwoman BROWN for their leadership in addressing rail safety issues. Attention and investment to the safety of our rail infrastructure and workers is needed.

Congress last reauthorized the Federal Railroad Administration, also known as FRA, rail safety programs in 1994 and that authorization lapsed in 1998. In the time since Congress last took a comprehensive look at railroad safety, much has changed with our Nation's freight and passenger rail infrastructure. The amount of goods transported by rail has increased dramatically and more often our population is turning to rail as an alternative to getting into their cars. This is creating a greater demand on our rail infrastructure.

The bill before us today, the Federal Railroad Safety Improvement Act of 2007, would authorize our Federal rail safety programs at $1.2 billion over 4 years. This bill makes important investments in our current rail safety programs and creates new grant programs for grade crossing safety and train control technology.

Additionally, the importance of safety will be reflected in the renaming of the FRA to the Federal Railroad Safety Administration. This is significant because a new name would emphasize the Federal role in the safety of rail transportation.

A fresh look at rail safety is long overdue. Over the next 20 years, the demand for freight and passenger rail is expected to grow and continue to play an important role in our economy and in our communities. Now is the time to make an investment in the safety of our rail infrastructure, as well as the training of the men and women who work on the rail lines. This way we can embrace the growth of our Nation's infrastructure and face it in a responsible way.

For example, the Department of Transportation has estimated that the amount of freight moved on rail will increase by 50 percent from 1998 to 2020. If you live in a community with a rail line, you are already experiencing this growth firsthand. In my district of Sacramento, there are two freight lines, and the largest railroad switching yard west of the Mississippi lies just outside of my district in Roseville. I understand how big a role freight lines play in a community. When something goes wrong with a freight line, the community knows about it immediately. Freight carried by these rail lines must be transported safely and securely, particularly when it travels through densely populated urban areas.

As the freight rail industry continues to grow, it will need a well-trained and safe workforce. Addressing safety and training issues now will benefit all our communities and our national economy in future years.

□ 1500

This bill makes that investment and nearly doubles the number of FRA inspectors from 440 to 800.

Safety on our passenger rail lines is equally important. In fiscal year 2007, close to 26 million passengers chose to take trains. This is a 6.3 percent increase from the previous year. We can only expect these ridership numbers to increase as Americans seek travel alternatives in an attempt to turn away from congested highways and overstressed airlines.

In northern California, the Capital Corridor line has shown incredibl increases in ridership. In 1998, 544,000 passengers traveled on the Capital Corridor line. In 2007, the Capital Corridor ridership has almost tripled to almost 1.5 million passengers.

In 2007, throughout the entire State of California, 5 million passengers rode

on rail. Translated to vehicle miles, that is 500 million miles, which, simply put, means half a billion vehicle miles not on our highways and thus saving gas, reducing congestion and not polluting our air.

I say this because we need to protect and encourage this upward trend not only in California but across the Nation.

To do this, it is important that we invest in safety at a proportional rate to our ridership growth and freight growth. Our citizens must continue to have confidence in our rail infrastructure.

Finally, the demand on our rail infrastructure has outgrown our ability to keep our rail system safe. We must also ensure that our rail workers are getting the training they need, but also the rest between shifts.

According to the FRA, 40 percent of all train accidents are the result of human factors, and one in four of those accidents result from fatigue. These accidents are preventable, and it's time that we address the problem.

This bill makes the necessary changes to address employee fatigue. It increases the minimum rest period for employees from 8 to 10 hours and also phases in a limit of 10 hours of the amount of limbo time an employee can accrue each month.

In closing, this bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations. In short, this bill reinstates rail safety as a top priority for our communities, workforce, and the millions of people who ride our rail lines.

I encourage my colleagues to vote for this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

The Federal Railroad Administration was created by the Department of Transportation Act of 1966. The Federal Railroad Administration, FRA, is charged with overseeing the Federal rail safety program.

As all of our colleagues know, Mr. Speaker, railroads crisscross every congressional district, and their safe operation is of national importance, especially since they play such an integral part in our national economy by transporting products and people to and from ports, and in the instance of products, from manufacturers, to suppliers, to the consumers.

Since 1978, there's been a dramatic decline in the number of railway accidents. Last year, there were just over 2,800 such accidents, obviously too many, but a significant decline compared to the past. Obviously more can be done to reduce the number of accidents and save lives, and more should be done.

FRA classifies the causes of train accidents into five categories: human factors, track and structures, equipment, signal and train control, and miscellaneous. Of those categories, human factors and track are responsible for the majority of train accidents. Last year, 2006, over 70 percent of such accidents were caused by human factors or track defects.

Most rail-related deaths are to pedestrians on rail lines, trying to cross obviously, and motorists colliding with trains at grade crossings. While there are nearly 1,000 rail-related deaths each year, about 20 to 30 rail employees unfortunately are killed while on duty each year.

The underlying legislation being brought forward by this rule, the Federal Railroad Safety Improvement Act of 2007, seeks to reduce the number of accidents caused by human fatigue by strengthening the hours of service law for signalmen and train crews. The legislation makes changes to what is known as limbo time, which is the wait period when locomotive crews wait for pickup after a day's run. Specifically, the bill phases down limbo time over 3 years, 40 to 30 to 10 hours per month. The bill also creates new exceptions to limbo time in the case of an accident, track obstruction, weather delays or natural disasters. It gives signal and train workers additional hours of rest, 10 hours in 24, and mandatory days off, 1 in 7.

The Department of Transportation estimates that by 2020 the amount of freight moved by rail, measured by weight, will increase by approximately 50 percent. Furthermore, many local governments are interested in establishing, or expanding, commuter rail operations, which often operate on the freight rail network. As a result, the number of train miles on the Nation's freight rail network will significantly increase in the coming years. If train accident rates do not improve, this will lead obviously to an increased number of accidents, injuries and fatalities and some of the gains of the past decade may be lost, and obviously we'd like to avoid that.

I'd like to thank both Chairman OBERSTAR and Ranking Member MICA for their bipartisan work on this legislation, especially on this issue of the limbo time. I think it goes to show that when people are willing to work together across the aisle to try to come up with compromises that good progress can be made.

Now, unlike the bipartisan nature by which the Transportation Committee worked on this bill, the majority in the Rules Committee did not live up to that standard. Only four out of 10 amendments. There were 10 amendments proposed. A lot of time those amendments take a lot of work by Members, a lot of work, a lot of time, a lot of dedication, and only four out of the 10 amendments that Members brought to the Rules Committee were made in order, and of those, only one was an amendment by a Member of the Republican side of the aisle.

During consideration of this rule, Mr. Speaker, the minority made several attempts to make Republican amendments in order, but in the Rules Committee, the majority blocked each amendment by a party-line vote, and I think that's unfortunate. It's quite a contrast to how the Transportation Committee worked and some other committees in this Congress.

It's unfortunate, especially when we take into account the promises made by the majority that they would bring transparency and openness and fairness to the process. We see time and time and time again exactly the opposite. This is really sad.

Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I'd like to inquire of the gentleman from Florida if he has any more speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inform my friend that we do not.

Ms. MATSUI. Okay. I'm prepared to close after he's finished.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, thank you very much for your courtesy. I thank my good friend Ms. MATSUI for hers as well.

Again, with regard to the underlying legislation, it's important legislation. I think it's a good work product that's come forth from compromise, people reaching out from both sides of the aisle and working together. But the rule, unfortunately, is most unfair, as is typically the case with this new majority.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I'd like to direct our colleagues, Mr. Speaker, to a letter that the House Parliamentarian, Mr. John Sullivan, recently sent to the Rules Chair, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states

that the Democratic earmark rule ''does not comprehensively apply to all legislative proposition at all stages of the legislative process.''

I will insert this letter in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN.

This amendment will restore the enforceability and accountability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote. I would urge all my colleagues to close this loophole by opposing the previous question.

Mr. Speaker, at this time, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida and yield myself the balance of my time.

Let me first say that the earmark rule is not waived in this rule despite the claims of my colleagues. I urge them to read lines 6 and 7, that the rule specifically excludes the earmark rule from the waiver. Any suggestion otherwise is simply untrue.

Mr. Speaker, this bill is important to our economy and the millions of Americans who travel on trains every year. This is the first time in well over a decade that Congress has taken a comprehensive look at our rail safety programs. During that time, the demand on our freight and passenger rail infrastructure has increased dramatically.

This bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 724 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 724, if ordered; and suspending the rules on H. Con. Res. 222.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 19, as follows:

[Roll No. 977]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Carson
Culberson
Hastert
Hirono
Jindal
Johnson, E. B.
Jones (OH)
Knollenberg
Lewis (GA)
Mahoney (FL)
Markey
Moore (WI)
Musgrave
Olver
Scott (GA)
Tancredo
Whitfield
Wilson (OH)
Young (AK)

□ 1537

Ms. GINNY BROWN-WAITE of Florida changed her vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 977, I voted electronically, but for some reason, my vote was not recorded. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 222, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 978]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon